

Danielle M. Kays

From: Danielle M. Kays
Sent: Friday, March 21, 2008 6:52 PM
To: 'Rory Valas'
Cc: Fredric Cohen
Subject: RE: Kumon v. STS & Shah discovery

Rory:

I have not heard from you regarding the majority of the issues addressed in my original email sent Wednesday, including confirmation of your client's deposition dates. Given that this matter is on an expedited trial schedule, please contact me to discuss and resolve all issues soon.

Thanks.

Danielle M. Kays
Cheng Cohen LLC
1101 W. Fulton Market, Suite 200
Chicago, IL 60607
T| 312.957.4666
M|312.720.8042
F| 312.277.3961
danielle.kays@chengcohen.com

-----Original Message-----

From: Danielle M. Kays
Sent: Thursday, March 20, 2008 9:14 AM
To: 'Rory Valas'
Subject: RE: Kumon v. STS & Shah discovery

Rory:

Please send your documents to us via FedEx; our number is 366942467.

I await your response to the other outstanding issues discussed in my email.

Thanks.

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-----Original Message-----

From: Rory Valas [<mailto:valasra@yahoo.com>]
Sent: Wednesday, March 19, 2008 5:51 PM
To: Danielle M. Kays
Subject: RE: Kumon v. STS & Shah discovery

Do you want to have them picked up from Hoffman Estates or delivered? If delivered please send your FedEx #.

When can we expect our discovery responses and documents?

Danielle M. Kays wrote:

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> am writing pursuant to Rule 37 to address the deficiencies in the
> Steps to Success and Shah discovery responses and Rule 26(a)(1)
> initial disclosures. We have not received your documents in response
> to Kumon's Request for Production and thus cannot evaluate the
> adequacy of that response. Please send to us copies of the documents
> referenced in your clients' response to Kumon's request for production of documents, and
> bill us for the cost.
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> inquires about the time period from January 1, 1992 until the present.
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> we intend to depose Pali Shah on April 17 and 18. We again ask you
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> dates for the depositions of all individuals listed in your responses
> to interrogatories No. 4 and 9.
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> contact me with any questions.
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>

Danielle M. Kays

From: Danielle M. Kays
Sent: Wednesday, April 02, 2008 2:08 PM
To: Danielle M. Kays; Rory Valas
Cc: Fredric Cohen
Subject: RE: Kumon v. STS & Shah discovery

Rory:

We have asked you multiple times to confirm April 17 and 18 as dates for Pali Shah's deposition. Please confirm by the end of today whether these dates work or provide us with alternative dates.

We also request that you address the discovery issues outlined below.

Thank you.

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Danielle M. Kays

From: Danielle M. Kays
Sent: Tuesday, April 08, 2008 2:37 PM
To: 'Rory Valas'
Cc: 'srosenberg@schwartzcooper.com'; 'CCaruso@schwartzcooper.com'; Fredric Cohen
Subject: Kumon v. Shah
Attachments: Kumon's First Supp Interrogatories to Defendant.pdf; Kumon Supp Rog Ex A & B.pdf

Rory:

Your client's document production is not bates stamped and not complete. The documents Shah produced for all every request do not completely address the years or students requested. Thus, we want access to all files for inspection at Shah's center. Send us a date and time that we can come to the center this week and inspect your client's documents.

Also, attached please find Kumon's Supplemental Interrogatories due Monday, April 14.

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Danielle M. Kays

From: Danielle M. Kays
Sent: Friday, April 04, 2008 4:29 PM
To: Danielle M. Kays; 'Rory Valas'
Cc: Fredric Cohen
Subject: RE: Kumon v. STS & Shah discovery

Rory:

Please give us the employment dates as we have asked for the Steps to Success employees listed in your response to Interrogatory No. 4 by the beginning of the business day Monday or we will subpoena those individuals.

Thank you.

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Danielle M. Kays

From: Danielle M. Kays
Sent: Friday, April 11, 2008 1:47 PM
To: 'Rory Valas'
Cc: Fredric Cohen; 'CCaruso@schwartzcooper.com'; 'srosenberg@schwartzcooper.com'
Subject: RE:

Rory:

Your amended complaint needs to be filed by the court. Your threat to cancel the Shah's deposition, scheduled for April 18, for your failure to amend the complaint and serve it upon Tanabe and Conran is groundless and improper. As discussed, we will accept service on their behalf once the amended complaint has been filed and once you provide the appropriate waiver of service forms.

Shah's deposition will proceed as noticed on April 18.

Also, by 5pm today, provide me with a time next week that we can review your client's documents at her center due to the incompleteness of your client's production. The production is not complete as we have discussed, due to her failure to bates label the documents, failure to provide appropriate dates of documents and her failure to respond to Kumon's requests Nos. 1, 8 -10, 12, 14, 19, 21, 24 – 29.

Thank you.

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Chicago, IL 60607
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danielle.kays@chengcohen.com

From: Danielle M. Kays
Sent: Thursday, April 10, 2008 7:45 AM
To: 'Rory Valas'
Cc: Fredric Cohen
Subject: RE:

Rory:

While I will accept service for anything that needs to be served on Tanabe and Conran, I will not accept service of unfiled improper documents such as this complaint.

You should have received our documents yesterday, and the depositions will proceed according to the notice we sent you.

Regarding your 30(b)(6) "computer" notice, I object to your request for a computer with an operating Efile system and am unclear what you are asking.

Finally, please advise if we can review Ms. Shah's documents at her Center tomorrow or Monday, due to the incompleteness of the document production.

Thank you.

Danielle M. Kays

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danielle.kays@chengcohen.com

From: Rory Valas [mailto:rav@franchiseelaw.com]

Sent: Tuesday, April 08, 2008 3:27 PM

To: Danielle M. Kays

Subject:

Danielle:

Please use this e-mail address. rav@franchiseelaw.com I rarely check the other one.

We asked in our interrogatories served upon Kumon for the home addresses of defendants Tanabe and Conran. They needed to be served with the Amended Complaint.

Please confirm that your office has agreed to accept service of the Amended Complaint, attached hereto, on their behalf.

We cannot go forward with depositions until they have been notified and been given an opportunity to participate. If you will not be accepting service, please forward their home addresses today.

In connection with the list of my client's helpers their information was included in the documents produced. To further assist you we attach a worksheet. They are independent contractors and the dates of employment are actually dates of contracting. Most of them are young students. We insist that you provide detail concerning your allegations in response to our interrogatories before you put these young students through the ordeal of a deposition. You refer only to the letters and the documents that you still have not produced. These are not responsive.

Please get back to us.

Rory Valas

GOLDSTEIN VALAS

250 Summer Street

Boston, MA 02210

rav@franchiseelaw.com

617-399-2200

PRIVILEGED AND CONFIDENTIAL

IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE LET US KNOW AND DESTROY THIS MESSAGE. THANK YOU.

----- Original Message -----

From: Danielle M. Kays <danielle.kays@chengcohen.com>

To: Rory Valas <rav@franchiseelaw.com>; Fredric Cohen <fredric.cohen@chengcohen.com>

Sent: Monday, April 7, 2008 2:47:38 PM

Subject: RE: Kumon

Rory:

In response to your 30(b)(6) notices of depositions Kumon designates Ron Conran as the person most knowledgeable about defendants' misreporting and Robert Lichtenstein as the person most knowledgeable about the decision to terminate the franchise agreement and the opportunity to cure prior to termination.

Kumon designates Rachel Tumbukon as its witness for the 30(b)(6) computer witness you request.

These witnesses are not available on the dates you proposed. Mr. Conran is available April 21; Mr. Lichtenstein is available April 22; and Ms. Tumbukon is available April 23.

Rule 26(a)(1) does not require disclosure of the witnesses' home addresses, and I am not sure what you intend to serve.

Danielle M. Kays

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Danielle M. Kays

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Danielle M. Kays

From: Fredric Cohen
Sent: Monday, April 14, 2008 5:18 PM
To: Rory Valas
Cc: Danielle M. Kays; Andrew Bleiman

Rory:

We stayed the termination in reliance on your commitment to cooperate with us in light of the expedited nature of the trial. Kindly tell us today who the woman in the picture is or we will file a motion to compel. Further, Ms. Shah should understand that we voluntarily agreed to this stay of termination. If she or you intend to be obstreperous we will revisit that decision immediately.

Ric.

Fredric A. Cohen
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